

ORIGINAL

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Attorneys for Plaintiff  
OFELIA COLOYAN

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

MAR 20 2006  
at 8 o'clock and 30 min. PM  
SUE BEITIA, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

OFELIA COLOYAN

Plaintiff,

vs.

WILLIAM BADUA, JEFFERY  
OMAI; SPENCER ANDERSON;  
NEIL PANG; and DOES 5-10

Defendants.

CIVIL NO. 03-00476-KSC

NOTICE OF FILING PLAINTIFF'S  
SUPPLEMENTAL JURY  
INSTRUCTION; CERTIFICATE OF  
SERVICE

Trial is set for March 14, 2006.

NOTICE OF FILING PLAINTIFF'S PROPOSED SUPPLEMENTAL JURY

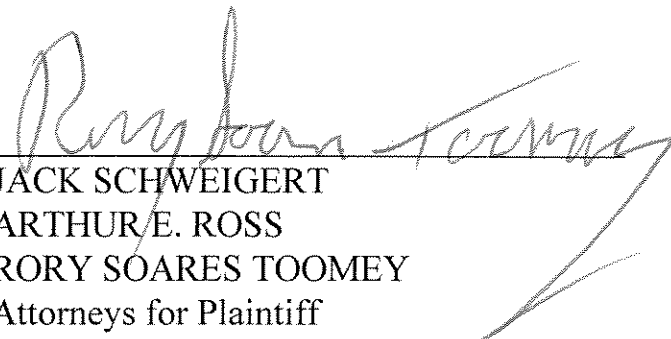
INSTRUCTION

Ofelia Coloyan Plaintiff above-named by and through her attorneys Jack Schweigert, Esq., Arthur E. Ross, Esq. and Rory Soares Toomey, Esq. submits a proposed supplemental jury instruction which has not been agreed to by the parties.

The Plaintiff reserves his right to withdraw any proposed instruction, to add new instructions, and/or to amend any proposed instruction. By submitting these proposed instructions, the Plaintiff does not admit or concede that any particular issue is, or may be properly submitted to the jury, nor does the Plaintiff does not admit or concede that any particular issue is a jury issue as opposed to a matter to be decided by the Court.

Nothing in these instructions constitutes consent by the Plaintiff to try any issue raised in the pleadings.

DATED: Honolulu, Hawaii, March 20, 2006



JACK SCHWEIGERT  
ARTHUR E. ROSS  
RORY SOARES TOOMEY  
Attorneys for Plaintiff  
OFELIA COLOYAN

Plaintiff's Proposed Jury Instruction No. 20

Consent is an affirmative defense that the defendants have the burden of proving by a preponderance of the evidence.

CITE: Section 1.2 Ninth Circuit Manual of Modern Jury Instruction  
(2003) **CRIMINAL** (modified)

\_\_\_\_ Given as Requested  
\_\_\_\_ Given as Modified  
\_\_\_\_ Refused  
\_\_\_\_ Withdrawn

Over objection of:

\_\_\_\_ Plaintiff  
\_\_\_\_ Defendants

JACK SCHWEIGERT  
ARTHUR E. ROSS  
RORY SOARES TOOMEY  
Attorneys for Plaintiff